UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,852	03/10/2004	Brian Taraci	74200.926C1P	3730

22804   7590   05/13/2008
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ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
05/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 March 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :April 15, 2004 and November 1, 2004.

DETAILED ACTION

This is a Non-Final Office Action Correspondence in response to U.S. Application No.

10/797852 filed on March 10, 2004, and is a continuation in part of U.S. Application No.

10/678605 filed on October 3, 2003, which claims the benefit of U.S. Provisional Application

No. 60/416101 filed on October 4, 2002. Claims 1-37 are pending.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application Publication No. 2003/0014521 A1 to Elson et al. (hereinafter "Elson").

3.   As to Claim 26, Elson discloses in a device having a plurality of services sharing one or

more common ports, a method for managing port contention comprising:

        receiving a request from a service for control of a port, said request comprising one or

more parameters (Elson; paragraphs 3, 114-116, 147-148, and 162, request to access/control port

received including parameters);

transferring control of said port to said service when said port is available (Elson;

paragraphs 3, 114-116, and 147-148, transferring control of port based on availability); and

rescinding control of said port by said service based upon said parameters, making said

port available to other services (Elson; paragraphs 3, 114-116, 147-148, and 179-181, rescinding

control of port by service based on parameters and making port available to other services).

4.   As to Claim 27, Elson discloses each and every limitation of Claim 26. Elson further

discloses wherein said request is a pass-through request and said one or more parameters

comprise at least two port identifiers between which a communication path is to be obtained

(Elson; Figure 20, paragraphs 3, 114-116, 147-148, and 161-162, request for communication

through ports via resource contention manager port; the resource includes two port identifiers).

5.   As to Claim 28, Elson discloses each and every limitation of Claim 26. Elson further

discloses wherein said parameters comprise one or more timeout values (Elson; paragraphs 3,

114-116, 147-148, and 161-162, request includes timeout values).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1-6, 10, 13, 18-25, and 33-35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Elson and U.S. Patent No. 6,139,177 A to Venkatraman et al. (hereinafter

"Venkatraman") (IDS submitted April 15, 2004).

8.   As to Claim 1, Elson discloses an apparatus comprising:

        a first electronic device having a first communication port, said first electronic device

comprising (Elson; Figures 10, 20, and 30):

        one or more services configured to communicate with a second device through said first

communication port (Elson; Figures 10, 20, and 30);

        a contention manager configured to:

                receive a port request from said one or more services for control of said first

        communication port (Elson; paragraphs 3, 114-116, and 147-148, receiving request to

        control port);

                determine when to take control of said first communication port from a currently

        controlling service (Elson; paragraphs 3, 114-116, and 147-148, determining when to

        take control of port from currently controlling service); and

                transfer control of said first communication port to a requesting service (Elson;

        paragraphs 3, 114-116, and 147-148, transferring control of port);

        Elson does not explicitly disclose, however Venkatraman discloses a web server serving

one or more web pages via a network link, said one or more web pages associated with said

second device (Venkatraman; Figure 2, column 1 lines 62-67, and column 2 lines 1-29, web

server providing web pages associated with the second device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server, as disclosed by Venkatraman, in order to provide web access functionality to a device (Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

9.   As to Claim 2, Elson and Venkatraman in combination disclose each and every limitation of Claim 1. Elson further discloses wherein said first device further comprises a second communication port; and wherein said contention manager is configured to provide a communication path between said first communication port and said second communication port in response to a pass-through request (Elson; Figure 20, paragraphs 3, 114-116, 147-148, and 161-162, request for communication through ports via resource contention manager port).

10.   As to Claim 3, Elson and Venkatraman in combination disclose each and every limitation of Claim 2. Elson further discloses wherein said pass-through request is received from said one or more services (Elson; paragraphs 3, 114-116, and 147-148, request received from application/service).

11.   As to Claim 4, Elson and Venkatraman in combination disclose each and every limitation of Claim 2. Elson further discloses wherein said pass-through request comprises a first identifier associated with said first port and a second identifier associated with said second communication port (Elson; paragraph 162, request includes first and second resource/port identifiers).

12.   As to Claim 5, Elson and Venkatraman in combination disclose each and every limitation of Claim 2. Elson further discloses wherein said communication path is subject to a timeout parameter (Elson; paragraphs 3, 114-116, 147-148, and 161-162, request includes timeout parameter associated with communication path).

13.   As to Claim 6, Elson and Venkatraman in combination disclose each and every limitation of Claim 5. Elson further discloses wherein said pass-through request comprises said timeout parameter (Elson; paragraphs 3, 114-116, 147-148, and 161-162, request includes timeout parameter).

14.   As to Claim 10, Elson and Venkatraman in combination disclose each and every limitation of Claim 1. Elson further discloses wherein said port request comprises one or more timeout parameters (Elson; paragraphs 3, 114-116, 147-148, and 161-162, request includes timeout parameter).

15.   As to Claim 13, Elson and Venkatraman in combination disclose each and every limitation of Claim 1. Elson further discloses wherein said port request comprises a port identifier (Elson; paragraph 162, request includes resource/port identifier).

16.   As to Claim 18, Elson and Venkatraman in combination disclose each and every limitation of Claim 1. Venkatraman further discloses wherein said web server is configured to serve web pages associated with configuring said first device (Venkatraman; Figure 2, column 1

lines 62-67, and column 2 lines 1-29, web server providing web pages for configuring first device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server, as disclosed by Venkatraman, in order to provide web access functionality to a device (Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

17.   As to Claim 19, Elson and Venkatraman in combination disclose each and every limitation of Claim 18. Venkatraman further discloses wherein said web pages associated with configuring said first device comprise one or more web elements for activating said one or more services (Venkatraman; Figure 2, column 1 lines 62-67, and column 2 lines 1-29, web page for configuring device and elements for activating services).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server, as disclosed by Venkatraman, in order to provide web access functionality to a device (Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

18.   As to Claim 20, Elson discloses an apparatus comprising:

a controller configured to send and receive control information through a first type of communication port (Elson; Figures 10, 20, 30, and paragraphs 3, 114-116, and 147-148);

a controlled device configured to receive and send said control information through said first type of port (Elson; Figures 10, 20, 30, and paragraphs 3, 114-116, and 147-148);

Elson does not explicitly disclose, however Venkatraman discloses a web server device

having a first port coupled to said controller and a second port coupled to said controlled device,

wherein said first port and said second port are of said first type, wherein said web server device

comprises (Venkatraman; Figure 2, column 1 lines 62-67, and column 2 lines 1-29, web server):

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a contention manager, as disclosed by Elson, to include a web server, as

disclosed by Venkatraman, in order to provide web access functionality to a device

(Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

Elson further discloses a first service associated with said controller, said first service

configured to initiate a request for a communication path between said first port and said second

port when said controller sends said control information to said first port (Elson; paragraphs 3,

114-116, and 147-148, a service for initiating a request for a communication path between first

and second ports);

a second service associated with said controlled device, said second service configured to

initiate a request for said second port to communicate with said controlled device (Elson; Figure

20 and paragraphs 3, 114-116, 147-148, and 161, a service to initiate communication between

second port and controlled device for monitoring the controlled device); and

a contention manager configured to transfer control of said second port to a requesting

service when said second port is available, said contention manager further configured to

monitor use of said second port based on parameters associated with a current request (Elson;

paragraphs 3, 114-116, 147-148, and 154, resource contention manager for transferring control of port and logging access to resource based on parameters associated with the resource).

19.   As to Claim 21, Elson and Venkatraman in combination disclose each and every limitation of Claim 20. Elson further discloses wherein said second service is an executed script (Elson; paragraph 128, the resource contention manager executes as a software script).

20.   As to Claim 22, Elson and Venkatraman in combination disclose each and every limitation of Claim 20. Venkatraman further discloses wherein said web server device is coupled to a browser over a network connection, said web server device serving one or more web pages for a user to have an interaction with said controlled device through said second service (Venkatraman; Figure 2, column 1 lines 62-67, and column 2 lines 1-29, web server couple to a browser and serving web pages).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server, as disclosed by Venkatraman, in order to provide web access functionality to a device (Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

21.   As to Claim 23, Elson and Venkatraman in combination disclose each and every limitation of Claim 22. Venkatraman further discloses wherein said interaction comprises control (Venkatraman; Figure 2, column 1 lines 62-67, and column 2 lines 1-29, web server for device control).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a contention manager, as disclosed by Elson, to include a web server, as

disclosed by Venkatraman, in order to provide web access functionality to a device

(Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

22.   As to Claim 24, Elson and Venkatraman in combination disclose each and every

limitation of Claim 22. Venkatraman further discloses wherein said interaction comprises

monitoring of said controlled device (Venkatraman; Figure 2, column 1 lines 62-67, column 2

lines 1-29, and column 4 lines 18-32, web server for monitoring controlled device).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a contention manager, as disclosed by Elson, to include a web server, as

disclosed by Venkatraman, in order to provide web access functionality to a device

(Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

23.   As to Claim 25, Elson and Venkatraman in combination disclose each and every

limitation of Claim 20. Elson further discloses wherein said first type of port comprises a serial

port (Elson; paragraphs 251, 253, and 259, serial ports).

24.   As to Claim 33, Elson discloses a method for inserting a web server device into a

communication path between a first device and a second device, comprising:

in response to detection of a transmission from said first device, obtaining a pass-through

request for a pass-through connection between said first port and said second port (Elson; Figure

20 and paragraphs 3, 114-116, 147-148, and 161-162, request to access/control port via resource

contention manager received);

   providing said pass through connection when said second port is available (Elson;

paragraphs 3, 114-116, 147-148, and 161-162, resource contention manager providing access to

resource);

   maintaining said pass-through connection until termination criteria in said pass-through

request are satisfied (Elson; paragraphs 3, 114-116, 147-148, and 161-162, resource contention

manager providing access to resource until termination based on parameters in request);

   in response to a port request for control of said second port from a service in said web

server device, providing control of said second port to said service when said second port is

available (Elson; paragraphs 3, 114-116, 147-148, and 161-162, resource contention manager

providing access to resource when resource is available); and

   maintaining control of said second port by said service until termination criteria in said

port request are satisfied (Elson; paragraphs 3, 114-116, 147-148, and 161-162, resource

contention manager providing access to resource until termination based on parameters in

request).

   Elson does not explicitly disclose, however Venkatraman discloses coupling said first

device to a first port of said web server device (Venkatraman; Figure 2, column 1 lines 62-67,

and column 2 lines 1-29, web server coupled with first device).

   coupling said second device to a second port of said web server device (Venkatraman;

Figure 2, column 1 lines 62-67, and column 2 lines 1-29, web server coupled with second

device);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server, as disclosed by Venkatraman, in order to provide web access functionality to a device (Venkatraman; column 1 lines 62-67 and column 2 lines 1-29);

25.   As to Claim 34, Elson and Venkatraman in combination disclose each and every limitation of Claim 33. Elson further discloses providing communication between a user and said second device through one or more served web pages when said service has control of said second port (Elson; paragraphs 3, 114-116, 147-148, and 161-162, providing access to user requesting control).

26.   As to Claim 35, Elson and Venkatraman in combination disclose each and every limitation of Claim 33. Elson further discloses wherein said termination criteria comprise one or more timeout values (Elson; paragraphs 3, 114-116, 147-148, and 161-162, timeout parameters in request for managing resource contention).

27.   Claims 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson and Venkatraman as applied to Claims 6 and 10, above, and further in view of CommTimeouts to FCoder (hereinafter "FCoder").

28.   As to Claim 7, Elson and Venkatraman in combination disclose each and every limitation of Claim 6. Elson and Venkatraman do not explicitly disclose, however FCoder discloses

wherein said timeout parameter is associated with the time between receipt of consecutive

characters (FCoder; CommTimeouts; sequential character timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a sequential

character timeout, as disclosed by FCoder, in order to provide standard communication port

timeout functionality.

29.   As to Claim 11, Elson and Venkatraman in combination disclose each and every

limitation of Claim 10. Elson and Venkatraman do not explicitly disclose, however FCoder

discloses wherein said one or more timeout parameters comprise a per character timeout

(FCoder; CommTimeouts; per character timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a per character

timeout, as disclosed by FCoder, in order to provide standard communication port timeout

functionality.

30.   As to Claim 12, Elson and Venkatraman in combination disclose each and every

limitation of Claim 10. Elson and Venkatraman do not explicitly disclose, however FCoder

discloses wherein said one or more timeout parameters comprise an intial character timeout

(FCoder; CommTimeouts; first character timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include an initial

character timeout, as disclosed by FCoder, in order to provide standard communication port
timeout functionality.

31.   Claims 8, 16, 17, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Elson and Venkatraman as applied to Claims 1, 2, and 33 above, and further in view of U.S.

Patent No. 7,330,921 B2 to Kawanishi (hereinafter "Kawanishi").

32.   As to Claim 8, Elson and Venkatraman in combination disclose each and every limitation

of Claim 2. Elson and Venkatraman do not explicitly disclose, however Kawanishi discloses

wherein said communication path is subject to a data length parameter in said pass-through

request (Kawanishi; column 9 lines 1-10, data length parameter as a timeout parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a data length

parameter, as disclosed by Kawanishi, in order to determine a timeout based on data length.

33.   As to Claim 16, Elson and Venkatraman in combination disclose each and every

limitation of Claim 1. Elson and Venkatraman do not explicitly disclose, however Kawanishi

discloses 16. The apparatus of claim 1, wherein said port request comprises a data length

parameter (Kawanishi; column 9 lines 1-10, data length parameter as a timeout parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a data length

parameter, as disclosed by Kawanishi, in order to determine a timeout based on data length.

34.   As to Claim 17, Elson, Venkatraman, and Kawanishi in combination disclose each and

every limitation of Claim 16. Kawanishi further discloses wherein said contention manager

counts incoming data units and takes control of said first communication port when the number

of said incoming data units reaches said data length parameter (Kawanishi; column 9 lines 1-10,

data length parameter as a timeout parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a data length

parameter, as disclosed by Kawanishi, in order to determine a timeout based on data length.

35.   As to Claim 37, Elson and Venkatraman in combination disclose each and every

limitation of Claim 33. Elson and Venkatraman do not explicitly disclose, however Kawanishi

discloses wherein said termination criteria comprise a data length value that is compared with a

count of incoming data units (Kawanishi; column 9 lines 1-10, data length parameter as a

timeout parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a data length

parameter, as disclosed by Kawanishi, in order to determine a timeout based on data length.

36.   Claims 9, 14, 15, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Elson and Venkatraman as applied to Claims 1, 2, and 33 above, and further in view of U.S.

Patent No. 4,809,257 to Gantenbein et al. (hereinafter "Gantenbein").

37.   As to Claim 9, Elson and Venkatraman in combination disclose each and every limitation of Claim 2. Elson and Venkatraman do not explicitly disclose, however Gantenbein discloses wherein said communication path is subject to a delimiter character specified in said pass-through request (Gantenbein; column 2 lines 12-22 and column 4 lines 42-48, discloses timeout based on a delimiter parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a parameter for timeout, as disclosed by Elson, to include a delimiter parameter, as disclosed by Gantenbein, in order to determine a timeout based on a delimiter.

38.   As to Claim 14, Elson and Venkatraman in combination disclose each and every limitation of Claim 1. Elson and Venkatraman do not explicitly disclose, however Gantenbein discloses wherein said port request comprises a delimiter parameter (Gantenbein; column 2 lines 12-22 and column 4 lines 42-48, discloses timeout based on a delimiter parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a parameter for timeout, as disclosed by Elson, to include a delimiter parameter, as disclosed by Gantenbein, in order to determine a timeout based on a delimiter.

39.   As to Claim 15, Elson, Venkatraman, and Gantenbein in combination disclose each and every limitation of Claim 14. Gantenbein further discloses wherein said contention manager compares incoming data with said delimiter parameter (Gantenbein; column 2 lines 12-22 and column 4 lines 42-48, discloses timeout based on a delimiter parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a parameter for timeout, as disclosed by Elson, to include a delimiter parameter, as disclosed by Gantenbein, in order to determine a timeout based on a delimiter.

40.   As to Claim 36, Elson and Venkatraman in combination disclose each and every limitation of Claim 33. Elson and Venkatraman do not explicitly disclose, however Gantenbein discloses wherein said termination criteria comprise a delimiter character that is compared with incoming data (Gantenbein; column 2 lines 12-22 and column 4 lines 42-48, discloses timeout based on a delimiter parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a parameter for timeout, as disclosed by Elson, to include a delimiter parameter, as disclosed by Gantenbein, in order to determine a timeout based on a delimiter.

41.   Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson as applied to Claim 28 above, and further in view of FCoder.

42.   As to Claim 29, Elson discloses each and every limitation of Claim 28. Elson does not explicitly disclose, however FCoder discloses wherein said one or more timeout values comprise a per character timeout (FCoder; CommTimeouts; per character timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a parameter for timeout, as disclosed by Elson, to include a per character

timeout, as disclosed by FCoder, in order to provide standard communication port timeout

functionality.

43.   As to Claim 30, Elson discloses each and every limitation of Claim 28. Elson does not

explicitly disclose, however FCoder discloses wherein said one or more timeout values comprise

an initial character timeout (FCoder; CommTimeouts; first character timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include an initial

character timeout, as disclosed by FCoder, in order to provide standard communication port

timeout functionality.

44.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elson as applied

to Claim 26 above, and further in view of Gantenbein.

45.   As to Claim 31, Elson discloses each and every limitation of Claim 26. Elson does not

explicitly disclose, however Gantenbein discloses wherein said parameters comprise delimiter

criteria against which incoming data is compared (Gantenbein; column 2 lines 12-22 and column

4 lines 42-48, discloses timeout based on a delimiter parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a delimiter

parameter, as disclosed by Gantenbein, in order to determine a timeout based on a delimiter.

46.   Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elson as applied

to Claim 26 above, and further in view of Kawanishi.

47.   As to Claim 32, Elson discloses each and every limitation of Claim 26. Elson does not

explicitly disclose, however Kawanishi discloses wherein said parameters comprise a data length

against which a count of incoming data units is compared. (Kawanishi; column 9 lines 1-10, data

length parameter as a timeout parameter).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a parameter for timeout, as disclosed by Elson, to include a data length

parameter, as disclosed by Kawanishi, in order to determine a timeout based on data length.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VIVEK KRISHNAN whose telephone number is (571) 270-

5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30

PM EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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